



CLDP

Commercial Law Development Program
Office of General Counsel
United States Department of Commerce

IMPROVING THE LEGAL ENVIRONMENT FOR BUSINESS WORLDWIDE

Central Asia-Afghanistan Working Groups On SPS Measures, Customs, and Standards

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Overview

- What is the Commercial Law Development Program
- Relevant experience
- Central Asia-Afghanistan Working Group on SPS Measures
– goals, challenges, and opportunities
- June 2015 joint Meeting/Workshop of the Working Groups
in Astana, Kazakhstan



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What is CLDP?

- The Commercial Law Development Program is the U.S. Department of Commerce's foreign technical assistance arm
- CLDP contributes to Department of Commerce's mission world-wide by working to improve the legal environment for doing business in developing and transitional countries around the globe



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Our History

Since its inception in 1992, CLDP has engaged in transformational diplomacy by providing technical assistance to more than 50 countries in Central and Eastern Europe, the former Soviet Union, the Middle East, Northern and Sub-Saharan Africa and South-East Asia.

CLDP has conducted more than 800 separate training and short-term consultative programs and provided training to approximately 20,000 policymakers, regulators, judges, lawyers, teachers and business persons.



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How Do We Achieve Our Mission?

Drawing heavily on the expertise within the Department of Commerce and broadly the U.S. Government, CLDP programs assist political, judicial and commercial leaders to identify and make needed improvements in their laws, policies and organizational structures.

CLDP's team of lawyers and specialists with international experience and fluent language abilities design and implement assistance strategies involving major conferences, regional workshops, working groups, long and short-term advisors and U.S.-based consultations.



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In What Areas has CLDP Thrived?

- WTO Accession and Implementation of WTO Disciplines
- Legislative and Regulatory Technical Assistance
- Private Sector Participation in Trade Policy Formation
- Regional Economic Integration



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Specific Example: Regional Economic Integration

CLDP has served as a catalyst for regional economic integration in Eastern Europe, Sub-Saharan Africa and Western Africa through facilitation of the negotiation and implementation of free trade agreements and the creation or strengthening of regional organizations working to promote harmonization of laws, regulatory procedures and dispute resolution mechanisms of importance to business.



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Specific Example: Southeast Europe

CHALLENGE: To reduce arbitrarily applied and divergent sanitary and phytosanitary measures (SPS) which impede trade in the Southeast Europe region.

CLDP STRATEGY: CLDP, utilizing the guidelines of the WTO SPS Agreement, established three Stability Pact-wide (eight countries) regional working groups to cover the areas of food safety, animal health, and plant protection.

RESULT: These working groups constituted important mechanisms to enable the timely exchange of information on legislation and regulatory requirements, and to determine regional solutions to specific pest and disease outbreaks, such as Avian Influenza.



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Central Asia-Afghanistan Working Groups

- Program conceived by the U.S.-Central Asia (Afghanistan an observer) Trade and Investment Framework Agreement (TIFA) Ministerial Meeting
- Program supports the goals of the U.S.-Central Asia TIFA and the U.S. Government inter-agency New Silk Road initiative
- Working Groups on:
 - Customs
 - Standards
 - **SPS Measures**



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Central Asia-Afghanistan Working Groups

- Overall Objectives
- Format
- Challenges
- Opportunities



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Central Asia-Afghanistan Working Groups: Overall Objectives

- Improve the understanding by Central Asian and Afghan officials of the requirements of the WTO agreements on trade facilitation, TBT and SPS measures, and increase the capacity of these countries to meet the applicable requirements;
- investigate and recommend best practices in the utilization of standards, conformity assessment procedures, and SPS measures in order to facilitate trade in the region;



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Central Asia-Afghanistan Working Groups: Overall Objectives

- develop recommendations aimed at improving the efficiency and predictability of customs procedures at border crossings; and
- develop the Working Groups into a platform for the discussion of objectives and plans in food safety, plant and animal health, and technical regulations and standards among Central Asian countries.



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Central Asia-Afghanistan Working Groups: Format

- Meetings of a small number of working-level officials in relevant disciplines approximately twice a year
- Meetings consist of two components:
 1. Capacity building – led by U.S. and other experts on a topic of interest identified by participants, advisors and organizers (CLDP) in consultations with governments and developing partners
 2. Meetings and discussions among WG participants; developing recommendations; resolving organizational issues; etc.
- Goal: supplement the meetings with intersessional work and communications



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Central Asia-Afghanistan Working Groups: Challenges

- Ensuring regional participation
- Permanent membership
- Intersessional communications
- Disparate capacity levels (also an opportunity)
- Empowering working-level officials



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Central Asia-Afghanistan Working Groups: Opportunities

- Sharing experience and best practices among members
- Support by U.S. Department of Commerce and other U.S. Agencies
- Cooperation with other development initiatives
- CLDP's past success with supporting a similar initiative



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Joint Meeting of the Working Groups June 2015, Astana, Kazakhstan

- All countries in attendance (exception: Uzbekistan to Customs WG)
- Capacity-building session focused on reducing border delays for traded goods
 - Included presentations on risk management, involvement of the private sector, HACCP, trade facilitation initiatives, and inter-agency cooperation
- Followed by meetings of the Working Groups
 - Active involvement by participants!



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Joint Meeting of the Working Groups June 2015, Astana, Kazakhstan (cont'd)

- SPS Group discussed, in particular:
 - Implementation of HACCP – costs and benefits
 - Financing of vaccinations
 - Conflict between current, WTO, and EEU SPS Requirements
 - Homework: information sharing (OIE reportable diseases)



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